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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,975	11/21/2003	Glenn L. Beane	15344/69391E	1755
26860 7590 03/03/2010 DEVINE, MILLIMET & BRANCH, P.A. 111 AMHERST STREET BOX 719 MANCHESTER, NH 03105				
EXAMINER				
MAL, NGOC LAN THI				
ART UNIT		PAPER NUMBER		
1793				
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03/03/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,975

Applicant(s)

BEANE, GLENN L.

Examiner

NGOCLAN T. MAI

Art Unit

1793

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 56-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-12, 59-62 is/are allowed.
- 6) ☒ Claim(s) 56 is/are rejected.
- 7) ☒ Claim(s) 13, 57-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Status of Claims

Claims 1-6, 8-13, 56-62 are currently under examination, wherein claims 1 and 13 are currently amended in applicant's amendment filed on 11/30/09. The applicant's affirmation of the provisional election of the Invention of I, claims 1-13 without traversal in the same amendment is acknowledged. The previous claims 7, 14-55 have been cancelled.

Status of Previous Rejection

The previous rejection of claim 13 under 35 U.S.C. 112 is withdrawn in light of applicant's amendment change the dependency of the claim.

The previous rejection to claims 1-6, 7-9, 11 and 12 under 35 U.S.C. 103 as being unpatentable over Hara et al. in or Hermes in view of Lashmore is withdrawn in light of applicant's amendment and argument filed 11/30/09. Previous rejection to claim 10 under 35 U.S.C. 103 as being unpatentable over Hara et al. in or Hermes and Lashmore in view of Link et al. is also withdrawn.

Claim Rejections - 35 USC § 103

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. in or Hermes in view of Lashmore et al and Gucydan (U.S. Patent No. 6,558,144).

Hara et al or Hermes and Lashmore collectively teach controlling introduction of a powder material into a die, controlling a creation of a substantially uniform distribution of powder material in the die; and controlling a pressing of the powder material in the die by controlling a

magnitude of a pressing force applied by each of at least one set of workpiece-forming punches and by controlling a position of each set of workpiece-forming punches relative to the die. See previous rejection of claim 1 in office action dated 5/29/09.

The claim differs from Hara et al or Hermes and Lashmore in that the claim recites controlling lubrication of the die cavity. Gueydan teaches in the same field of endeavor discloses coating the die cavity with a 0.3% by weight of lubricant in order to reduce die wear. See column 6, lines 7-8. By coating with a certain amount of lubricant Gueydan therefore teaches controlling lubrication of the die cavity. Therefore, it would have been obvious to one of controlling a lubricant of the die cavity of Hara, Hermes in view of Lashmore by coating it with lubricant taught by Gueydan in order to reduce die wear.

Claims 13 and 57-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1-6, and 8-12 are allowed since none of the prior art, singly or combined, teaches or suggests controlling the pressing of the powder material in the die by the combination of controlling pressure of a fluid provided to each of at least one piston that is operatively associated with each set of workpiece-forming punches and controlling the position of each set of workpiece-forming punches relative to the die.

Claims 59-62 are allowed since none of the prior art, singly or combined, teaches or suggests the combination the step controlling the lubrication of the die cavity as claim and/or the step of controlling the pressing of the powder by determining the pressure fluid of the piston,

comparing the pressure fluid provided to each piston and to a pressure corresponding to a desired pressure force, and adjusting the pressure fluid.

Response to Arguments

Applicant's arguments, see page 13, filed 11/30/09, with respect to claim 1 as amended that there is no teaching in the prior art of controlling the pressure fluid provided to each piston have been fully considered and are persuasive. The rejection of claims 1-6, 8-12 has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGOCLAN T. MAI whose telephone number is (571)272-1246. The examiner can normally be reached on 8:30-5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/
Supervisory Patent Examiner, Art Unit
1793

n.m.